IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.

F.A.O. No.1564 of 2006 (O.&M.)
Date of decision: 28.8.2006

National Insurance Co.Ltd.

..... Appellant

Versus

Ram Kishan and others.

..... Respondents

CORAM : Hon'ble Mr.Justice Uma Nath Singh.
Hon'ble Mr.Justice Mahesh Grover

....

Present: Shri V.K.Kapur, Advocate for the appellant.
Shri Ashit Malika, Advocate for respondent no.1.
Shri Ramesh Sindhar, Advocate for respondent nos. 2, 3 and 4.

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In this F.A.O. by National Insurance Company Limited filed for setting aside award dated 22.11.2005 passed by the Presiding Officer, Motor Accident Claims Tribunal, Karnal in a death case of a 60 years' old man, learned counsel for the appellant made the one and only submission that the annual income of the deceased has been assessed at Rs.15,000/-, but there is no 1/3rd deduction as per schedule under Section 163-A of the Motor Vehicles Act,1988.

We have carefully perused the award. The annual income of Rs.15000/-,if divided by 12, it would come to Rs.1250/-per month. Admittedly, the deceased was aged 60 years at the time of the accident. Even if his income is assessed as a labourer, it should be around Rs.2400/- per month, and on deduction of 1/3rd thereof as his personal expenses, it

would come to Rs.1600/- per month, whereas in the instant case, it is only Rs.1250/- per month. Thus, it appears that the Tribunal has inadvertently not mentioned the deduction. Besides, the interest rate of 7-1/2% also appears to be reasonable. Any calculation of compensation has to be guided by the principle of its being just and reasonable. Simply because there is dearth of detailed calculations while assessing the dependency in the instant case, the amount does not become unreasonable. Moreover, the claimant is the brother of the deceased, and the amount does not appear to be on higher side for interference.

Accordingly, we do not find any merit in this appeal and it is dismissed as such.

(Uma Nath Singh)
Judge

August 28,2006
"SCM"

(Mahesh Grover)
Judge